

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION (CINCINNATI)

SIDING & ROOFING SYSTEMS, INC.

1375 Kemper Meadow Drive #2,
Cincinnati, Ohio 45240

CASE NO:

JUDGE:

MAGISTRATE JUDGE:

Plaintiff,

vs.

MCCLURE CONSTRUCTION CO., LLC

600 Venetia Road
Venetia, Pennsylvania 15367

Serve:

National Registered Agents, Inc.

600 North Second Street, Suite 401

Harrisburg, Pennsylvania 17101

Defendant.

COMPLAINT

Comes now Plaintiff, Siding & Roofing Systems, Inc. (hereinafter “SRS”), and for its
Complaint against Defendant, McClure Construction Co., LLC (hereinafter “McClure”), states as
follows:

STATEMENT OF JURISDICTION AND VENUE

1. This Court has jurisdiction based upon diversity of citizenship, pursuant to 28 U.S.C.
§ 1332(a)(1), as the amount in controversy exceeds \$75,000.00 and this action is between citizens of
different states.

2. SRS is a corporation incorporated and existing under the laws of the State of
Ohio, with its principal place of business at 1375 Kemper Meadow Dr. #2, Cincinnati, Ohio
45240.

3. McClure is a limited liability company organized and existing under the laws of the State of Pennsylvania, with its principal place of business in 600 Venetia Road, Venetia, Pennsylvania 15367.

4. This Court has personal jurisdiction and venue is proper pursuant to 28 U.S.C. § 1391(b)(2), as Ohio is where a substantial part of the events or omissions giving rise to the claims asserted herein occurred. McClure has conducted business in Ohio constituting sufficient minimum contacts for this Court to exercise personal jurisdiction.

COUNT I
(Breach of Contract)

5. SRS adopts and incorporates herein all allegations stated *supra*.

6. Plaintiff, SRS, is a supplier and installer of industrial, commercial, and architectural roofing and siding systems.

7. Defendant, McClure, is a construction company specializing in installation of roofing and siding systems for industrial and commercial projects.

8. SRS entered into multiple contracts with McClure and supplied materials on multiple projects for which McClure promised to pay.

9. From November 11, 2016 to July 5, 2022, SRS, submitted 35 invoices to McClure for roofing and siding materials supplied to McClure for various projects. A copy of SRS's statement of outstanding invoices for McClure is attached as "Exhibit A".

10. To date, Defendant, McClure, owes SRS a total of \$611,904.41 for the 35 outstanding invoices.

11. Plaintiff, SRS, has satisfied all conditions precedent entitling to payment in full.

12. Plaintiff, SRS, has demanded payment from McClure, but Defendant McClure, has failed and refused to make any further payments thereby breaching the contracts entered into with SRS.

WHEREFORE, Plaintiff, Siding & Roofing Systems, Inc., prays for judgment against Defendant, McClure Construction Co., LLC as follows:

- A. Against, Defendant, McClure Construction Co., LLC, in the amount of \$611,904.41 owed for materials purchased by Defendant, McClure, as listed in the attached summary of outstanding invoices; and
- B. Statutory interest, reasonable attorney's fees and costs in an amount to be determined; and
- C. All other relief to which it may be entitled either legally or equitably.

Respectfully submitted,

/s/ Thomas R. Yocum

Thomas R. Yocum, Esq. (#0002437)

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Attorneys for Plaintiff,

Siding & Roofing Systems, Inc.

10:45 AM

01/06/23

Siding & Roofing Systems, Inc.
A/R Aging QuickZoom
 As of January 6, 2023

Type	Date	Num	P. O. #	Name	Terms	Due Date	Aging	Open Balance
McClure Construction								
Invo...	11/11/2016	16-231	#1964 Mar...	McClure C...	Net 30	12/11/2016	2217	52,059.10
Invo...	11/18/2016	16-222	Scott McCl...	McClure C...	Net 30	12/18/2016	2210	19,999.90
Invo...	12/09/2016	16-222	Scott McCl...	McClure C...	Net 30	01/08/2017	2189	50,945.13
Invo...	12/19/2016	16-224	Scott Job#...	McClure C...	Net 30	01/18/2017	2179	13,739.81
Invo...	09/25/2017	17-170	8564	McClure C...	Net 30	10/25/2017	1899	12,500.00
Invo...	11/18/2017	17-293	8584	McClure C...	Net 30	12/18/2017	1845	5,415.01
Invo...	12/01/2017	17-287	8531	McClure C...	Net 30	12/31/2017	1832	55,482.36
Invo...	12/01/2017	17-200	8556	McClure C...	Net 30	12/31/2017	1832	41,994.08
Invo...	12/06/2017	17-170	8564	McClure C...	Net 30	01/05/2018	1827	12,637.06
Invo...	12/15/2017	17-10...	Scott	McClure C...	Net 30	01/14/2018	1818	29,689.85
Invo...	01/12/2018	17-170	8564	McClure C...	Net 30	02/11/2018	1790	7,156.50
Invo...	01/12/2018	18-21	8589	McClure C...	Net 30	02/11/2018	1790	6,294.80
Invo...	01/26/2018	17-29...	8584	McClure C...	Net 30	02/25/2018	1776	2,832.87
Invo...	02/27/2018	18-26	8590	McClure C...	Net 30	03/29/2018	1744	9,613.49
Invo...	03/03/2018	18-40	8586	McClure C...	Net 30	04/02/2018	1740	1,020.50
Invo...	03/09/2018	18-45	2024	McClure C...	Net 30	04/08/2018	1734	12,227.33
Invo...	03/12/2018	18-41	8591	McClure C...	Net 30	04/11/2018	1731	24,140.57
Invo...	03/12/2018	18-41	8591	McClure C...	Net 30	04/11/2018	1731	9,605.11
Invo...	07/03/2018	18-41	Scott	McClure C...	Net 30	08/02/2018	1618	1,261.85
Invo...	07/04/2018	18-141	Scott	McClure C...	Net 30	08/03/2018	1617	75.60
Invo...	02/22/2019	19-29	8601	McClure C...	Net 30	03/24/2019	1384	6,519.82
Invo...	05/15/2019	19-73	Scott	McClure C...	Net 30	06/14/2019	1302	20,026.76
Invo...	12/19/2019	19-189	8448	McClure C...	Net 30	01/18/2020	1084	1,944.86
Invo...	05/05/2020	19-238	Ft. Meyers...	McClure C...	Net 30	06/04/2020	946	6,744.46
Invo...	06/12/2020	20-150	Scott	McClure C...	Net 30	07/12/2020	908	26,625.51
Invo...	07/30/2020	19-238	#2059	McClure C...	Net 30	08/29/2020	860	46,600.64
Invo...	09/17/2020	20-34	Job#2076	McClure C...	Net 30	10/17/2020	811	21,797.99
Invo...	02/01/2021	21-8		McClure C...	Net 30	03/03/2021	674	12,763.19
Invo...	03/04/2021	19-238	Scott	McClure C...	Net 30	04/03/2021	643	65,887.84
Invo...	04/05/2021	21-237	Scott	McClure C...	Net 30	05/05/2021	611	960.00
Pay...	05/11/2021	22276		McClure C...				-0.10
Invo...	04/19/2021	21-227	Scott	McClure C...	Net 30	05/19/2021	597	8,379.52
Invo...	04/27/2021	21-237	Scott	McClure C...	Net 30	05/27/2021	589	13,252.25
Invo...	05/24/2021	21-237	Scott	McClure C...	Net 30	06/23/2021	562	10,030.17
Invo...	06/01/2022	22-7		McClure C...	Net 30	07/01/2022	189	900.00
Invo...	07/05/2022	22-154		McClure C...	Net 30	08/04/2022	155	780.58
Total McClure Construction								611,904.41
TOTAL								611,904.41

EXHIBIT A